

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, the claims have been amended in a manner to overcome the rejection of claims 1-9 under the first paragraph of 35 U.S.C. § 112.

That is, R¹ is restricted to "aralkyl substituted with halogen", based on the description on page 11, lines 29-33 of the specification.

The restricted definition for R³ in amended claim 1 is based on item (3) on page 4 of the specification, and is supported by the compounds in Table 8 as follows:

- Optionally substituted alkyl

(Substituent: lower alkoxy)

A-1-3, 5, 6, 9, B-2-5, 7, 14, 16, 20

(Substituent: amino optionally substituted with lower alkyl)

B-6, 9, 12, 13, 29

(Substituent: cyano)

B-8

(Substituent: hydroxy)

B-1, 10, 21-24, 27, 28

(Substituent: alkoxycarbonyl)

B-11, 15

(Substituent: carboxy)

No example of such compounds. But "hydroxy" and "alkoxycarbonyl" are supported as described above, therefore "carboxy" is also supported.

- Optionally substituted amino

(Substituent: lower alkyl)

A-10, B-17-19, 25, 26

The restricted definition for R⁴ is based on item (6) on page 5, and is supported by the compounds in Table 8 as follows:

- Optionally substituted carboxy

A-1, 5, 6

- Optionally substituted formylamino

A-2, 3, 9,10, B-1, 5-16, 25-29

- Optionally substituted carbamoyl

B-21-24

- Optionally substituted alkyl/alkenyl

B-2-4, 17-20.

In view of these amendments to claim 1, Applicants have cancelled claims 3, 5 and 6, and have amended claim 7 to delete the R⁴ groups which are no longer within the scope of R⁴ as defined in claim 1.

Claim 8 has been cancelled since it is dependent on cancelled claim 5.

Applicants respectfully submit that these amendments should be entered, even though they are presented after final rejection, since the effect of the amendments is to overcome the rejection under 35 U.S.C. § 112.

The rejection of claims 1-9 under the first paragraph of 35 U.S.C. § 112, insofar as applied to the amended claims, is respectfully traversed.

Applicants take the position that the claim amendments render this rejection moot. All of the definitions for R¹, R³ and R⁴ have been restricted based on compounds which are enabled by the specification. Although the definition for R² has not been amended, Applicants submit that this definition is supported by Compound B-16 in Table 8.

The objection to claim 10 should be withdrawn in view of Applicants having overcome the rejection of claims 1-9 under 35 U.S.C. § 112.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Teruhiko TAISHI et al.

By /Michael R.
Davis/

Digitally signed by /Michael R. Davis/
DN: cn=/Michael R. Davis/, o=WLP, ou=
email=mdavis@wenderoth.com, c=US
Date: 2010.12.01 13:45:56 -05'00'

Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/clw
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
December 1, 2010